

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

---

KENITH A'GARD,

Plaintiff,

11 Civ. 1933 (JGK)

- against -

MEMORANDUM OPINION  
AND ORDER

ADA PEREZ, ET AL.,

Defendants.

---

JOHN G. KOELTL, District Judge:

The Court previously issued an Opinion and Order dated January 26, 2013, in which the Court dismissed the plaintiff's action against the defendants in this case. In a letter dated January 30, 2013, the plaintiff moved for reconsideration of that Opinion and Order. In a Memorandum Opinion and Order dated February 11, 2013, the Court denied the plaintiff's motion for reconsideration. In a letter dated February 17, 2013, the plaintiff moved for reconsideration a second time. The plaintiff's second motion for reconsideration of the Court's January 26, 2013 Opinion and Order is hereby denied.

I.

The standard to be applied to a motion for reconsideration under Local Civil Rule 6.3 is well-established. It is the same as the standard that was applied under former Local Civil Rule 3(j). See United States v. Letscher, 83 F. Supp. 2d 367, 382

(S.D.N.Y. 1999) (collecting cases). The moving party is required to demonstrate that "the Court . . . overlooked controlling decisions or factual matters that were put before it on the underlying motion, and which, had they been considered, might have reasonably altered the result before the court."

Vincent v. Money Store, No. 03 Civ. 2876, 2011 WL 5977812, at \*1 (S.D.N.Y. Nov. 29, 2011) (internal quotation marks and citation omitted).

The decision to grant or deny a motion for reconsideration "rests within the sound discretion of the district court." Id. (internal quotation marks and citation omitted). The rule "is narrowly construed and strictly applied so as to avoid repetitive arguments on issues that have been fully considered by the court." Walsh v. McGee, 918 F. Supp. 107, 110 (S.D.N.Y. 1996) (internal quotation marks and citation omitted); see also In re Eaton Vance Mut. Funds Fee Litig., 403 F. Supp. 2d 310, 313 (S.D.N.Y. 2005), aff'd, Bellikoff v. Eaton Vance Corp., 481 F.3d 110 (2d Cir. 2007); Vincent, 2011 WL 5977812, at \*1.

## II.

In its Opinion and Order dated January 26, 2013, the Court decided to dismiss the plaintiff's federal claims with prejudice and dismiss his state law claims without prejudice. Upon moving for reconsideration, the plaintiff has failed to indicate any

controlling decisions or factual matters that the Court overlooked in its Opinion and Order. The plaintiff merely disagrees with the Court's conclusions, but that is not a basis for reconsideration. Therefore, the plaintiff's second motion for reconsideration is denied.

**CONCLUSION**

The Court has considered all of the plaintiff's arguments. The plaintiff's second motion for reconsideration is **denied**. The Clerk is directed to close any pending motions.

**SO ORDERED.**

**Dated:**      **New York, New York**  
**April 9, 2013**

/s/  
**John G. Koeltl**  
**United States District Judge**